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The National Consortium for Justice Information and Statistics

## Comparative Analysis of Common Charge Tables

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### Introduction

The justice community has developed multiple ways to represent and describe offenses. This is largely due to the focus each organizational stakeholder has on their specific role within the justice process. Each stakeholder has developed core capabilities designed to support their role—and offenses are often described in terms that make sense within the context of that role. Law enforcement often structures the identification of offenses around the reporting requirements of federally supported programs, such as the Federal Bureau of Investigation’s (FBI) Uniform Crime Reporting (UCR) or National Incident-Based Reporting System (NIBRS) programs and the National Crime Information Center’s (NCIC) criminal history reporting system. These systems rely on offense codes that are generically defined in an effort to standardize and simplify reporting nationally. Stakeholders that manage the subsequent adjudicatory process (prosecutors, courts, probation, and corrections), however, must focus more precisely on the *specific crime* that is alleged because each state has its own specific definitions of crime and a range of consequences that can result from conviction. Even these stakeholders often have independently developed charging constructs that represent the same information but are structured differently. Taken together, a given state can have a wide range of definitions of and structures for charges that are used throughout the justice process. In fact, the use of virtually interchangeable terms such as “offenses,” “charges,” and “crimes” to describe essentially the same thing only underscores this gap and the need for alignment.<sup>1</sup>

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<sup>1</sup> An “offense” is typically defined as a breach of a law or rule; an illegal act. A “charge” is a formal accusation made by a government authority asserting that somebody committed a crime. A charging document, which contains one or more criminal charges or counts, can take a number of forms, including complaint, information, indictment, citation, or traffic ticket. Given the interchangeable use of these terms in practice, they are also used interchangeably in this document.

Bridging these various systems by developing and sharing a common set of offense/charge definitions adds fidelity to the data that all justice stakeholders are increasingly sharing with each other. This can be accomplished by combining the respective requirements of each stakeholder into a common table structure that all stakeholders can use. While law enforcement can fulfill its responsibilities using more general offense definitions, these definitions should be mapped to the appropriate, more detailed statutes, ordinances, and infractions used in the adjudication and sentencing/supervision processes.

Stakeholders can further extend the value and utility of using a shared charge table by mapping these charges to the national justice data model defined by the National Information Exchange Model (NIEM).<sup>2</sup> This enables state and local justice stakeholders to more effectively share data with other states because state-specific terminology is standardized using the elements defined in NIEM. Using NIEM, however, is not without its challenges. Stakeholders must take care to ensure that the NIEM elements used will accurately map to the semantics of the concept being modeled. NIEM contains multiple examples of seemingly duplicate representations of the same data element (as illustrated on pages 6–8)—and in many cases, the definitions associated with each of these data elements include no new or added information.

The purpose of this *Technical Brief* is twofold:

- 1) analyze a collection of common charge tables used in six states (Alaska, Colorado, Maryland, Michigan, Missouri, and North Dakota) to determine the minimal core elements that a charge table should include, and
- 2) identify appropriate NIEM elements for each.

## **Defining and Identifying Offenses/Charges**

This document uses the terms “charge,” “offense,” or “crime” to represent all forms of criminal and civil offenses and violations (felonies, misdemeanors, infractions, petty offenses, etc.). A legally recognized authority—such as a state legislature, county government, or municipality—must formally identify, define, and codify each charge. The structures created by these legal entities are the fundamental construct upon which a common charge table must be based. Some of these structures may be based upon uniform models or representations, but there is no mandate to use them. Consequently, the combination of elements that must be considered when developing a common charge table is unique to each legal authority.

The codification of charges has largely grown organically throughout history. Consequently, there is significant variation and individuality in the way offenses are defined and codified. The existence of multiple levels of government adds to the complexity and inconsistency. For example, the state-level authority is typically the state legislature, which codifies offenses in *statutes*. Authorities at the county and municipal levels typically codify their offenses as *ordinances*. All of these variations create the challenge of establishing semantic equivalency between them.

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<sup>2</sup> See <https://www.niem.gov/aboutniem/Pages/niem.aspx>

Every codification system has some organizational structure. A common approach is to use a hierarchical structure, which starts with higher, more general categories of crime that are then broken down into more detailed subunits, which ultimately define specific crimes. This structure is reflected in the *citation number*, or legal identification of the crime. Using Colorado as an example, the citation number for “Murder in the First Degree after Deliberation” is 18-3-102(1)(a). The citation number is specific to each crime and consists of three components:

1. the first number [18] represents the most general category of law; in this example, Title 18 is the Criminal Code.
2. The second number [3] represents the category of crime; in this example, Article 3 pertains to Homicide and Related Offenses.
3. The third number string [102(1)(a)] identifies the specific crime.

The entire representation of the charge consists of the citation number and the abbreviation of the legal authority—in this case, the Colorado Revised Statutes or C.R.S. From the complexity and length of a formal citation, it is easy to see why abbreviated terms or codes evolved.

*Crimes* must also be uniquely identified within the common charge table; however, these are often identified using coded identifiers that are much shorter. Again, using Colorado as an example, their code structure follows a three-stage hierarchical model in which the higher order structure consists of a two-digit identifier for the general category of crime (such as 01), followed by a three-digit identifier for the specific crime (such as 011). A third single character, such as A, may be appended in the sixth position to represent inchoate offenses (conspiracy, solicitation, attempt, etc.). For example, the following are unique identifiers for these crimes:

- Murder in the First Degree after Deliberation: 01011
- Attempted Murder in the First Degree after Deliberation: 01011A.

### Analysis of Common Charge Tables

SEARCH analyzed common charge tables from six different states. Four states—Alaska, Colorado, Michigan, North Dakota—have implemented a shared statute table. Two states—Missouri and Maryland—have published documents that provide essentially the same information. Each state table is unique, but they all capture much of the same core data. These core data include the following:

Element Name	Definition	Example
Charge Title	The legal definition of the offense as defined by the legal authority.	Murder in the First Degree After Deliberation
Charge Description	An abbreviated description of the offense used primarily for display and reporting purposes in automated systems.	Murder 1–After Deliberation
Legal Authority Source Name and Abbreviation	Authoritative Reference (state statutes; county or municipality ordinances).	Colorado Revised Statutes (C.R.S.)

Legal Authority Citation Number	The unique legal identifier for the offense, typically a statute or ordinance number.	C.R.S. 18-3-102(1)(a)
Charge Modifier	A lesser form of the charge based on the role of the offender. These may be referred to as "inchoate offenses."	Conspiracy, attempt, solicitation, accessory, facilitation
Charge Enhancer	An attribute of the offense that increases the severity of the crime charged (an aggravating factor).	Hate crime, weapon involved
Category of Crime	High-level categorization of offenses by severity.	Felonies, misdemeanors, petty offenses, infractions
Severity of Offense	A more precise categorization of offenses by severity and sanction, often referred to as the "class" of the crime.	"Class A" Felony, "Class 1" Misdemeanor
Charge Code	A short, coded version of the citation.	01011
Victim Rights Indicator	Charge requires notification of victims involved in the case.	
Effective Date	Date that the offense became effective.	
Expiration Date	Date that the offense was no longer in effect.	
Alternate Offense Code(s)	Representation of the offense using a different code.	NCIC, UCR, or N-DEx offense codes used by law enforcement

While most of the data elements listed above are clearly defined and their importance is obvious, some elements are not. These include:

**Effective and Expiration Dates:** State statutes and local ordinances evolve over time. It is not uncommon for the penalty associated with a specific crime to change. For example, the dollar threshold amount for misdemeanor theft may change from \$100 to \$500. When changes like this are made, the existing citation is often retained rather than creating a new one. When this happens, the authority must establish time boundaries to clearly delineate when the changes take effect or when they have lapsed. Crimes are charged based on the date of the offense. Consequently, the authority also must determine the appropriate version of the charge based on the date the offense occurred.

**Alternate Offense Codes:** Although multiple organizations can effectively share common charge tables that only contain statute or citation numbers, the tables can serve an even broader constituency if they contain alternate representations of the offenses. The most common justice partner that uses alternate representations of offense identifiers is law enforcement, which is required to use a variety of standardized offenses codes developed by the FBI to ensure comparability across jurisdictions. The most common of these codes are:

- 1) **NCIC offense codes:** Used when fingerprinting an offender and reporting this information to the National Crime Information Center. This information is included on the criminal history or rapsheet.

- 2) **Uniform Crime Reports offense codes:** Used to describe and classify criminal events or incidents. This information is reported to the FBI’s UCR system, and these codes are used for both UCR summary and NIBRS reporting.
- 3) **National Data Exchange (N-DEx) offense codes:** Used when reporting data to the FBI’s N-DEx system. N-DEx allows law enforcement to submit a broad range of criminal activity including calls for service and field interviews, in addition to incidents and arrests for investigative and analytical purposes.

All of these alternate offense codes are standardized for use across the country and often create categories that do not align perfectly with state statutes or ordinances. NCIC Offense Codes define crimes such as Homicide–Willful Kill–Family–Gun (0901). While there may be a comparable statutory crime, there may also be multiple crimes that fall into the same category. Consequently, stakeholders developing a charge table must make an effort to “map” state statutes to these various offense codes. This mapping may be less than perfect; but for the most part, it is possible to establish equivalencies. Once this is done, agencies that use state statutes, for example, can accurately report outcomes to those agencies that rely on the various FBI codes—a key factor in matching court dispositions to arrest records, for example. All crime reporting is performed by law enforcement and public safety agencies using various FBI codes, and effectively mapping statutes to offense codes is extremely important.

### Other Optional Elements

Each state or locality may also have additional elements about charges that may be important to share within their jurisdiction and, therefore, may be incorporated in the charge table. While outside the scope of this *Technical Brief*, which focuses on those elements that are shared, it is informative to include examples of these types of data.

Element Name	State Where Used
Sanction Options/Sentencing Range	AK
Maximum Sanctions	AK, MD, MI
Minimum Mandatory Sanction or Minimum Term	MD, ND
Fingerprint Required	MI, ND
DNA Collection Required	MO
Sex Offender Registration Required	MO
Bail Amount	
Text of Statute	
Alternate Code Text Description	

## Defining Charges Using NIEM

NIEM has many different elements and structures that can be used to define charges. There are elements for offenses, charges, and statutes—and very little additional information to guide users in the correct usage of each of these forms. The table below lists the core common charge table elements and possible semantic equivalents found in NIEM 3.0. In some cases, multiple NIEM elements may accurately align with a given core business element. In these instances, the choice of a specific NIEM element is not as important as ensuring that the semantics of the core and NIEM elements match.

Core Element Name	NIEM Element Name	NIEM Definition
Charge Title	j:OffenseName	An offense designation
	j:StatuteDescriptionText	A description of a statute
Charge Description	j:ChargeDescriptionText	A plain language description of a charge
	j:ChargeLegalDescriptionText	A legal or formal description of a charge
Legal Authority Entity	nc:OrganizationName	
	j:StatuteJurisdiction	Details about an area in which a statute applies
Legal Authoritative Source Name and Abbreviation	j:StatuteCodeSectionIdentification nc:IdentificationID nc:IdentificationCategory DescriptionText	An identifier of a section or category within a code book.  – An identifier – A description of a kind of identification
	j:StatuteCodeIdentification nc:IdentificationID nc:IdentificationCategory DescriptionText	An identifier of a set of laws for a particular jurisdiction.  Keywords: code book, legal code, native state code, law  – An identifier. – A description of a kind of identification.
Legal Authority Citation	j:StatuteOffenseIdentification nc:IdentificationID nc:IdentificationCategory DescriptionText	An identification of a criminal offense within a code book.  – An identifier. – A description of a kind of identification.
Charge Modifier	j:ChargeApplicabilityText	A degree of involvement a person is being charged with committing in an offense.  Keywords: A/C/S, Inchoate Charge.  Example Content: Solicitation, Conspiracy, Attempt, Access Before the Fact
	j:OffenseQualifierText	A set of details that further characterizes an offense
Charge Enhancer	j:ChargeEnhancingFactorDescriptionText	A description of a factor or reason that makes a charge more serious
	j:ChargeEnhancingFactorText	A factor or reason that makes a charge more serious

	j:ChargeSpecialAllegationText	A factor that has enhanced a charge, making it a more serious offense
	j:ChargeQualifierText	An additional piece of information that clarifies a charge
	j:OffenseQualifierText	A set of details that further characterizes an offense
Category of Crime	j:ChargeCategoryCode	A kind of charge
	j:ChargeCategoryDescriptionText	A description of a crime category
	j:ChargeSeverityText	A level of severity of a charge Example Content: Felony, Misdemeanor, Petty Misdemeanor, Other, Unknown
	j:OffenseLevelText	A level of an offense, such as a felony or misdemeanor
	j:OffenseCategoryText	A kind of offense
	j:StatuteLevelText	A level of crime a statute applies to Example Content: Misdemeanor, Gross Misdemeanor, Felony
Severity of Offense	j:SeverityLevelDescriptionText	A narrative description of a severity level assigned to a charge
	j:OffenseSeverityLevelText	A description of the level of severity of an offense
	j:SeverityLevelIdentification	A unique identification of a Severity Level Usage Information: Valid values are I, II, III, IV, V, VI, VII, VIII, IX, and X
Category or Type of Crime +Severity of Offense (A concatenation of Category of Crime and Severity of Offense)	j:ChargeSeverityDescriptionText	A description of the level of the offense, such as Grade A Misdemeanor, Gross Misdemeanor, Aggravated Misdemeanor States may transmit numeric grade levels (1, 2, 3) or define degrees alphanumerically (A, B, C)
Charge Code	j:ChargeIdentification nc:IdentificationID nc:IdentificationJurisdiction	A unique identification number assigned to a particular charge by an arresting agency, prosecuting attorney, or a court for case management purposes
Victim Rights Indicator	No element exists in NIEM	
Effective Date	j:StatuteEnactmentDate	A date a statute was enacted and came into effect
Expiration Date	j:StatuteRepealDate	A date a statute was repealed and no longer applied
NCIC Offense Code	j:OffenseNCICCode	An offense designation as specified by FBI's NCIC system
	j:ChargeNCICCode	An offense within the NCIC system

NCIC Offense Description	j:ChargeNCICText	A literal description of an offense within the NCIC system
UCR/NIBRS Offense Code	j:ChargeUCRCode	An offense within the UCR system
	j:OffenseUCRCode	An offense designation as specified by FBI's UCR program
	j:StatuteOffenseUCRCode	A criminal offense within a code book
N-DEx Offense Code	j:OffenseNDExCode	An offense designation as specified by FBI's N-DEx program
	j:OffenseCategoryNDExCode	A kind of offense
APCO Offense Code	j:OffenseAPCOCode	An offense designation as specified by the Association of Public-Safety Communications Officials
	j:StatuteOffenseAPCOCode	A criminal offense within a code book
Crash Driving Violation Code	j:CrashDrivingViolationCode	An offense a driver was convicted of in relation to a driving incident. Keywords: ACD

## Conclusion

As system interoperability grows, it is increasingly important that legal authorities share charge information in order to improve overall accuracy within the respective data systems involved in the justice process. This can best be accomplished by developing and maintaining a shared charge table. The mechanics of developing this are fairly simple and straightforward. The challenges are twofold: 1) modifying each of the individual data systems to accommodate the shared data, and 2) establishing a governance process to ensure that all systems are compliant and the table meets all stakeholder needs. Both of these require a shared investment and commitment by all parties. Once established, there are further advantages to adopting national standards to accurately represent the semantics of the elements across jurisdictional boundaries. As illustrated in this *Technical Brief*, the national standard for justice—NIEM—may provide multiple options to define and represent the individual elements involved. In these instances, it is not as important which of these elements is used as long as the semantics of the NIEM elements align with those of the core business elements. By aligning with NIEM, interoperability and data sharing between states and the federal government will significantly improve.

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